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09/867,907

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David Blight

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EXAMINER

SHARMA, SUJATHA R

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/867,907 | Applicant(s) BLIGHT, DAVID | |
| | Examiner SUJATHA SHARMA | Art Unit 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 4/27/09 have been fully considered but they are not persuasive.

The applicant argues that U.S. Patent No. 6,453,168 to McCrady utilizes reply signal timing i.e. time of arrival method (TOA) to determine location of a mobile device and U.S. Patent No. 5,974,330 to Negishi does not disclose a method of sending a location request and fails to disclose correlating a list of addresses with zone information of the database. The applicant further argues that combining the McCrady reference and Negishi reference is improper.

The examiner respectfully disagrees and would like to draw the applicant's attention to the above two references cited.

The primary reference discloses a method of determining the location of a mobile device using the position of reference nodes which are either fixed (stationary) or mobile. See col. 4, line 52-col. 5, line 39. However, as discussed in the previous office action, the method used to locate a mobile device in McCrady's reference is the time of arrival method.

The Negishi reference, on the other hand, teaches a method sending a location request to host/location service accessible through the network accessed wirelessly by the mobile device; see col. 1, lines 38-64. Negishi particularly teaches a method of location registration request to a database linked to the base station and correlating the list of addresses/base station IDs with location of base station/zone information. Negishi further teaches a method of determining the location of the mobile device by utilizing the base station identifier code. See col. 4, lines 34-38

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Therefore it would have been obvious to use the location determination method taught by Negishi to be used with the fixed/stationary nodes of McCrady's reference in order to obtain the position of the mobile station in a more simpler and accurate manner than the TOA method disclosed by McCrady.

Therefore the rejection of the claims as discussed in the previous office action and as discussed below is considered proper.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5,7-10,12-16,18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrady [US 6,453,168] in view of Negishi [US 5,974,330].

Regarding claims 1,7,12,18,24, McCrady discloses a method of computing location of a mobile terminal in a wireless telecommunication terminal. McCrady further discloses a method of

- gathering a list of wireless addresses/location and range data of nearby fixed or mobile reference devices in communication with a network by the mobile device; see Fig. 1 and col. 6, line 44 – col. 7, line 30.

However, he does not disclose a method of

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- sending a location request to location service accessible through the network accessed wirelessly by the mobile device;
- accessing a database of known device;
- correlating the list of addresses with zone information of the database;

Negishi, in the same field of endeavor, teaches a method of determining the location of a mobile terminal based on the identification received by a base station. Negishi, further discloses a method of

- sending a location request to host/location service accessible through the network accessed wirelessly by the mobile device; see col. 2, lines 14-64 where position registration request is sent to the network and this reads on the claimed feature. Also see col. 4, line 55 – col. 5, line 3
- accessing a database of known device; see col. 5, lines 4-8
- correlating the list of addresses with zone information of the database and receiving location information from the location service; See col. 4, lines 34-38, col. 2, lines 14-26 and col. 4, lines 1-27 and col. 5, lines 4-51 where Negishi teaches a method of determining the location of the mobile device by utilizing the base station identifier code.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Negishi to McCrady in order to obtain an approximate position of the mobile station.

Regarding claims 3,8,13, Negishi further discloses a method wherein the location information includes a text-based description. See Fig. 3, col. 4, lines 1-27 and col. 5, lines 4-51

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Regarding claims 4,9,15, Negishi discloses a method of providing an approximate position of the mobile device to the location service. See col. 4, lines 1-27 (where the current position of the mobile device is within 100 m thus indicating an approximate position of the mobile unit relative to the serving base station].

Regarding claims 5,10,16, Negishi further discloses a method wherein the approximate position is determined by a global positioning system (GPS) device. See col. 4, lines 1-27.

Regarding claim 14, Negishi further discloses a method wherein the location estimation includes a graphical description of the mobile device location. See col. 5, lines 4-51.

Regarding claim 23, Negishi discloses a method wherein the estimated position of the wireless device is provided on a graphical map. See col. 5, lines 34-42.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCrady [US 6,453,168] and Negishi [US 5,974,330] in view of Parry [2002/0164997].

Regarding claim 19, McCrady and Negishi disclose all the limitations as claimed. However, they do not disclose a method of including a bluetooth transceiver in the wireless device.

Parry, in the same field of endeavor, teaches the use of bluetooth transceiver in the wireless device. See page 3, paragraph 28.

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Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Parry to modified McCrady in order to provide wireless interconnectivity of a wide range of devices without the use of cables.

Regarding claim 20, Parry further discloses the wireless device to include an IEEE 802.11 transceiver. See page 3, paragraph 28.

Regarding claim 21, Parry discloses a method wherein the at least one other device includes a printer. See page 2, paragraph 26.

Regarding claim 22, Parry discloses a method wherein the at least one other device includes a computer. See page 2, paragraph 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sujatha Sharma/
Primary Examiner, Art Unit 2618
Sujatha Sharma
May 19, 2009